

The York County Board of Commissioners met according to law on November 17, 2009 at 9:35 a.m. as per notice in the York News Times on November 12, 2009, with Augustus M. Brown, Jr. presiding, with Eugene Bergen, Steve Neujahr, Kurt Bulgrin and Patricia Bredenkamp. Also present were Tim Sieh, County Attorney; Melanie Wilkinson, correspondent for the York News Times and Bo Blackman with KAWL Radio Station.

The agenda of the meeting was posted on the bulletin board in the County Clerk's office and a copy of the agenda was made available to each Commissioner.

Brown announced that the Open Meetings Law was posted outside the door and copies were available in the back of the board room. Proof of publication was also available.

The Board met with Elected Officials and Department heads prior to the regular meeting. No action was taken.

Moved by Bergen, seconded by Bredenkamp to approve the minutes of the York County Board of Commissioners proceedings of November 3, 2009; roll call: yeas, Bergen, Bredenkamp, Neujahr, Bulgrin and Brown; nays, none; motion carried.

Moved by Bulgrin, seconded by Neujahr, that due to the existence of an emergency that we amend the agenda to go into executive session at 11:00 a.m. for road department personnel issues and furthermore move that we adopt the agenda; roll call: yeas, Bulgrin, Neujahr, Bergen, Bredenkamp and Brown; nays, none; motion carried.

The Board met with Gary Peterson for an update on the Emergency Manager Program.

A tort claim was filed against the county on behalf of Evelyn J. Folts.

Moved by Bulgrin, seconded by Bergen that the Board take no action and refer it to the counties insurance carrier; roll call: yeas, Bulgrin, Bergen, Bredenkamp, Neujahr and Brown; nays, none; motion carried.

Stan Dobrovolny of Landowners for Fairness LLC came before the Board to request that the Board take a stand regarding the groups proposed legislation for various states along the Keystone XL pipeline route. They would like to see that the pipeline pay a price per mile to the landowner, state, county and school districts for the right of ingress and egress. Also they would like to see the following conditions be met regarding the easements:

1. One pipeline per easement agreement, each additional pipeline must be negotiated in its own right
2. Annual royalty, some percentage of oil volume must be negotiated as a right of ingress and egress to landowner, county, school district and state.
3. Landowner organized groups shall be paid by the pipeline for all organizational costs and all expenses plus compensation for individual's time contributed.
4. Land reclamation must be to NRCS standards.
5. Liability to landowner shall be indemnified by pipeline or utility company in all instances other than intentional damage by landowner.
6. Bond must be in place for line removal at lifetime end.
7. Pipeline shall remain at industry standards for pipe thickness and strength.
8. Pipeline easement shall include only agreed upon width.
9. Sunset clause after agreed upon timelines. (Not to exceed 50 years).
10. Pipeline shall be used for petroleum products only unless renegotiated.
11. Landowners must be listed as insured parties by pipeline and or utility company Owner's insurance company.
12. Compensation shall be paid directly to landowner, school districts, counties and state as a royalty for the right of ingress and egress.
13. Pipeline easement must have an official survey so it can be recorded into LLC.
14. Across the entire state all pipelines must be buried with no less than five feet of cover just as Iowa has required.
15. There shall be a cleanup commission fashioned after the oil and gas division of the Oklahoma Corporation Commission. This commission will deal with and fund cleanup operations for all oil spills, tank batteries, abandoned wells, abandoned pipelines and any and all cleanup and removal necessary as a result of any company activity on private land. This commission must be funded by all energy companies doing business in and or crossing the state.

Following Dobrovolny's presentation, Mary Andersen, an employee of Western Energy Planning, LLC, an independent contractor for TransCanada and Keystone Pipeline spoke with the Board and gave them an update of the project. She spoke to the concerns that Dobrovolny had. She also advised them of the information which the company would find helpful when construction begins in the county.

The Board thanked them for their input, however, the Board took no action. The responsibility for the conditions listed in the document (easement) would be determined through negotiations between the landowner, the landowner's attorney and Keystone Pipeline.

Ellis Tomkins of the Nebraska Department of Roads came before the Board regarding the possibility of placing automated signals at the crossing on Road V East of Waco. He also spoke about the possible closure of a crossing which is one mile West of Waco on Road R. Highway Superintendent Robb had conducted a traffic count of all crossings in the county which do not have automatic gates. It was shown that Road R had 8 vehicles a day and Road V had 93.

It was stated that prior to making a decision, the railroad would need to be contacted and a public hearing held for the closure of a rail crossing/road. The matter was tabled.

Moved by Bulgrin, seconded by Neujahr that the Board go into executive session with Don Robb, Highway Superintendent to discuss road department employees at 11:20 a.m.; roll call: yeas, Bulgrin, Neujahr, Bergen, Bredenkamp and Brown; nays, none; motion carried.

The Chairman restated the motion.

Moved by Bulgrin, seconded by Neujahr that the Board come out of Executive Session at 11:30 a.m. where no action was taken; roll call: yeas, Bulgrin, Neujahr, Bergen, Bredenkamp and Brown; nays, none; motion carried.

The Board conducted interviews for the position of Public Defender which will be vacated on December 15, 2009. A decision will be made at the December 1, 2009 board meeting.

There were no interfund transfers to be brought before the Board.

General Assistance cases were reviewed:

Moved by Neujahr, seconded by Bredenkamp to approve General Assistance Case #09-39 for rent payable to Tom Schmid (Landlord) in the amount of \$380.00; roll call: yeas, Neujahr, Bredenkamp, Bulgrin, Bergen and Brown; nays, none; motion carried.

Moved by Bulgrin, seconded by Bredenkamp to approve payroll in the amount of \$119,758.65 and vendor claims as presented; roll call: yeas, Bulgrin, Bredenkamp, Bergen, Neujahr and Brown; nays, none; motion carried.

<u>Fund</u>	<u>Name</u>	<u>Description</u>	<u>Total</u>
Rd	Ace Irrigation and Mfg	Culverts	544.70
Gen	Adams County Sheriff	Court Costs	18.50
Gen	Automated Systems	Appraiser's Fees	214.40
Visitors Prom	Avery Outdoor	Billboard Rental	240.00
Aging	Bag N Save	Supplies	473.00
Gen	Bob Barker Company, Inc.	Supplies	473.51
Rd	Barrett Bros. Inc.	Repair Parts	32.35
Gen	Blue Knight Security	Security Contract	948.00
Gen	Marjorie Braman	Retirement	11.00
Rd	Car Parts Inc.	Repair Parts	25.15
Gen	Centre Place Dental, P.C.	Medical-Prisoners	612.00
Visitors Imprv	Certified Folder Display Service	Tourism Promotion	3,478.87
Gen	Charlie's U Save Pharmacy	Medical-Prisoners	245.16
Gen	Gary Charlton	Retirement	11.00
Gen, Data Proc	Cornerstone Bank	Data Proc Equip	85.05
Rd	Cornhusker Cleaning Systems Inc.	Shop Supplies	26.45
Visitors Prom	Corps of Discovery Welcome Center	Dues	225.00
Gen, Rd	Cross-Dillon Tire	Tire Repair	2,207.72
Gen	Deluxe Cleaners	Uniform Allowance	8.00
Gen, Aging, Emer Mgmt	Eakes Office Plus	Office Supplies	645.19
Rd	Farmers Cooperative	Tire Repair	444.38
Gen	Fillman Law Offices	Attorney Fees	1,366.25
Gen	First Concord Benefits Group, LLC	Insurance	2,086.68
Gen	Stephen Fisher	Mileage	115.50
Gen	Frontier County Sheriff	Court Costs	53.96
Gen, Aging	Grand Central Foods	Supplies	2,999.66
Gen	Great Plains Pest Management, Inc.	Building Maintenance	147.00
Visitors Prom	Greater York Area Chamber of Commerce	Grant	2,500.00
Gen	Hasler Financial Services, LLC	Office Equip	798.00
Gen	Harry Hecht	Retirement	16.00
Gen	Hometown Leasing	Equip Rental	654.38
Rd	Herb Ihde	Reimbursement	42.27
Rd	Island Landhandlers, Inc.	Gravel	966.03
Rd	The Island Supply Company	Repair Parts	32.74
Rd	Island Supply Welding	Repair Parts	64.88
Gen	Jack's Uniforms & Equipment	Medical-Prisoners	506.43
Gen, Rd	Jackson Services	Building Maintenance	118.12
Gen	Jensen Lumber Company	Appraiser's Fees	16.49
Gen	JEO Consulting Group, Inc.	Hazard Mitigation	4,104.00
Rd	Johnson Sand & Gravel Co, Inc.	Gravel	9,391.07
Rd	Kerford Limestone Company	Gravel	605.75
Rd	Kirkham Michael Engineers	Engineering	1,911.80
Gen	Kopchos Sanitation, Inc.	Garbage	140.00
Visitors Prom	The Lamar Companies	Billboard Rental	460.00
Gen	Lancaster County Sheriff	Court Costs	18.58
Gen	LaRue Distributing, Inc.	Supplies	35.98
Rd	Linweld, Inc.	Repair Parts	723.00
Rd	Lyle Signs, Inc.	Signs & Posts	253.23
Visitors Prom	Magic Media, Inc.	Billboard Rental	435.00
Gen, Aging	Mainstay Technologies LLC	Data Proc Equip	663.38
Gen	Malouf & Associates	Janitorial Supplies	400.72
Aging	Jerri A Merklinger	Mileage	36.85
Gen	Microfilm Imaging Systems, Inc.	Data Proc Equip	231.75

Rd	Midwest Hydraulic Serv & Equip Co.	Repair Parts/Labor	416.87
Gen, Data Proc	MIPS Inc.	Data Proc Costs	575.29
Gen	Mogul's Transmission, Inc.	Vehicle Maintenance	796.55
Gen	Momar, Inc.	Janitorial Supplies	258.53
Rd	Myers Tire Supply	Tire Repair	76.25
Gen	Naber's Repair Service	Building Repair	3.54
Gen	Ne Dept of Motor Vehicles	Court Costs	7.00
Visitors Imprv	Ne Life	Billboard Rental	1,425.00
Gen, Rd	Ne Public Power District	Electricity	309.22
Rd	Ne Truck & Equipment Co. Inc.	Repair Parts	58.66
Rd	Nebraskaland Glass	Repair Parts/Labor	526.81
Gen	Steve Neujahr	Mileage	77.00
Rd	Newman Traffic Signs	Signs & Posts	2,900.00
Rd	Nichols Construction Co	Gravel	5,190.56
Rd	NMC, Inc.	Equip Rental	4,276.13
Aging	Anita Norquest	Mileage	234.15
Gen	North Office Supply	Office Supplies	107.16
Rd	O'Reilly Auto Parts	Shop Supplies	8.47
Rd	Orscheln Farm & Home	Repair Parts	151.26
Rd	Osceola Implement & Supply Inc.	Repair Parts	104.07
Rd	Overland Sand & Gravel Company	Gravel	15,387.00
Gen, Aging	Pamida Stores Operation Co LLC	Medical-Prisoners	149.13
Rd	Penner's Tire & Auto, Inc.	Repair Parts	3.29
Rd, Visitors Prom	Perennial Public Power District	Electricity	126.92
Gen	Pieper Plumbing & Well Drilling Inc.	Building Repair	296.30
Gen	Platte Valley Communications	Equipment	197.00
Rd	Power Plan	Repair Parts	2,510.18
Gen	Quartermaster	Uniform Allowance	121.78
Visitors Prom	R.S. Enterprises	Billboard Rental	310.00
Gen	Sharilyn Ramsey	Mileage	26.95
Rd	Rasmussen Auto Parts	Repair Parts	15.37
Gen	Melvin Reetz	Retirement	12.00
Rd	Reliable Equipment & Serv Co. Inc.	Repair Parts	37.26
Rd	Sahling Kenworth Inc.	Repair Parts	230.59
General	Don Sandman	Mileage/Reimbursement	204.74
Rd	Sapp Bros. Petroleum, Inc.	Fuel	19.00
Visitors Prom	Bob Sautter	Mileage	136.95
Gen	Sherry Schweitzer	Mileage	24.20
Emer Mgmt.	Seward County Courthouse	Office Expenditures	3,702.74
Gen	Seward County Sheriff	Court Costs	152.20
Rd	Snap-On Tools	Shop Tools	41.05
Gen	Stahr and Associates	Contractual Services	1,700.00
Gen	Bruce Stephens	Court Costs	840.00
Rd	Tietmeyer Machine	Repair Parts	99.02
Gen	True Value/Coast to Coast	Other Equip	99.99
Gen	Crystal Vavra	Reimbursement	9.98
Gen, Rd	Verizon Wireless	Telephone Service	562.05
Rd	Village of Bradshaw	Electricity	9.75
Rd	Village of McCool Junction	Water/Sewer	33.00
Gen	Sue Volkmer	Mileage	49.50
Rd	W.A.W Construction, Inc.	Bridges	53,080.75
Visitors Prom	Web Tech Solutions	Website Maintenance	30.00
Rd	Weldon Industries, Inc.	Repair Parts	790.84
Gen	West	Court Costs	75.00
Gen, Aging, Relief, 911, Rd	Windstream Communications	Telephone Service	3,802.77
Visitors Prom	York Chamber of Commerce	Grant	1,500.00
Visitors Prom	York County Ag Society	Grant	2,000.00
Visitors Prom	York County Development Corp	Office Expenditures	4,587.34
Gen	York County District Court	Court Costs	413.00
Gen, Wd	York County Highway Dept.	Fuel	2,585.10
Rd	York Equipment, Inc.	Repair Parts	2,465.57
Gen, Drug Test	York General Hospital	Drug & Alcohol Test	647.90
Gen	York Medical Clinic PC	Medical-Prisoners	43.02
Gen, Visitors Prom	York News-Times	Publication	1,469.55
Gen, Aging	York Wholesale Company	Board of Prisoners	1,258.20
Gen	Gary Zoubek	Mileage/Reimbursement	178.45

The Board again reviewed the information regarding county issued credit cards. It was determined that they would prefer to contract with Cornerstone Bank, however, prior to signing a contract, the County Attorney would need to review it. Also, regulations regarding it's use need to be implemented and added to the county handbook.

Moved by Neujahr, seconded by Bergen to table action for two (2) weeks for the County Attorney to look at the agreement with Cornerstone Bank; roll call: yeas, Neujahr, Bergen, Bredenkamp, Bulgrin and Brown; nays, none; motion carried.

A contract has been drawn up between the City of York and the County whereby the city would remove snow from county property located within the city’s limits.

Moved by Neujahr, seconded by Bulgrin to instruct the Chairman to sign this agreement with the City of York for snow removal; roll call: yeas, Neujahr, Bulgrin, Bergen, Bredenkamp and Brown; nays, none; motion carried.

The City of York agrees to take care of the snow removal for the following locations:

- West 25th Street, from the city limits to the Highway 81 bypass.
- West 4th Street, from the city limits to the Highway 81 bypass.
- Country Club Ave. (West Nobes), from Nobes Road to the Highway 81 bypass.
- Lincoln Ave., from the city limits to the Highway 81 bypass.
- East 25th St., from the city limits to Delaware Ave.
- Delaware Ave., from the cit limits to East 25th Street.

These areas equal approximately 5.6 lane miles at a rate of \$750.00 per lane mile (as per the rate established by the State of Nebraska DOR), the County agrees to pay the City \$4,200.00 for snow removal in these areas.

Executed by the City this 5th day of November, 2009
Executed by the County this 17th day of November, 2009

Road project 093BR10 for bridge replacement on Road C has been completed. At this time the final paperwork must be executed. A Change Order presented by WAW Construction was reviewed. The original contract price was \$56,590.75. In the change order, there was a net decrease of stabilization crushed rock of 55 ton and also 23 ton which was equal to a savings of \$3,510.00. This makes the final amount due to WAW of \$53,080.75.

Moved by Bulgrin, seconded by Bergen to authorize the Chairman to sign the change order agreement for \$53,080.75; roll call: yeas, Bulgrin, Bergen, Neujahr, Bredenkamp and Brown; nays, none; motion carried.

Moved by Bredenkamp, seconded by Bulgrin to approve the claim to WAW Construction for \$53,080.75 and authorize the Chairman to sign the Application for Payment No. 1 & Final; roll call: yeas, Bredenkamp, Bulgrin, Bergen, Neujahr and Brown; nays, none; motion carried.

Moved by Bulgrin, seconded by Neujahr to authorize the Chairman to sign the Recommendation of Acceptance for Road Project 093BR10; roll call: yeas, Bulgrin, Neujahr, Bergen, Bredenkamp and Brown; nays, none; motion carried.

In order for the county to receive incentive payment for county road projects, a certification would need to be signed and sent to the State of Nebraska Department of Roads for the time period which includes January 1, 2009 through December 31, 2009.

Moved by Bulgrin, seconded by Bergen to authorize the Chairman to sign the Certification of County Highway Superintendent for Determining Incentive Payment for the Year 2009; roll call: yeas, Bulgrin, Bergen, Neujahr, Bredenkamp and Brown; nays, none; motion carried.

The Board tabled the matter of the county audit until next board meeting to obtain further information.

A list of surplus property which is being disposed of from various county offices was reviewed. Included in the list were:

Computer Monitor	Junked/Recycle
#G0042 Monroe 5130 Calculator	Junked/Recycle
#B0092 Monroe 130 Calculator	Junked/Recycle
#R0055 Computer	Dispose/Destroy
Flat Screen Monitor HP 1502	Junked/Recycle
#R0235 Flat Screen Monitor NEL	Junked/Recycle
Woofers BOKA .3022	Junked/Recycle
#R0239 Shredder Fellows	Junked/Recycle
HP Lazer Printer	Junked/Recycle
#P0026 Typewriter IBM	Junked/Recycle
#R0288 HP ScanJet 5300C IBM	Junked/Recycle
NEC Scrip 870 Printer	Junked/Recycle
NEC Flat Screen Monitor	Junked/Recycle

Moved by Bulgrin, seconded by Bredenkamp to designate these items as surplus property and either to recycle them or destroy them; roll call: yeas, Bulgrin, Bredenkamp, Bergen, Neujahr and Brown; nays, none; motion carried.

The Handbook Committee met and had three items which they felt should be addressed.

If an employee works a 37 ½ hour work week they must work 7 ½ hours the day before and (*inset 7 ½ hours*) the day after the holiday to receive pay for the holiday. If an employee works a 40 hour work week they must work 8 or 10 hours the day before and (*insert 8 or 10 hours*) the day after to receive pay for the holiday. 10 hour day applies to road department only. Vacation or comp. time may be used the day before and the day after a holiday, NO sick time. This is on page 20.

After discussion, it was decided that 7 ½ hours and 8 or 10 hours should be inserted before the words *the day after*.

Also discussed was adding the word “not” on page 23 in the following sentence: Full compensation will ***not*** be paid for holidays during Workmen’s Compensation benefits.

It was determined that further investigation needed to be made regarding payment during Workman’s Comp time.

On page 19 “*vacation after 15 years should be changed to 20 working days.*”

Moved by Neujahr, seconded by Bulgrin to adopt the third proposal to change that after 15 years of service with the County you get 20 working days of vacation effective July 1, 2009; roll call: yeas, Neujahr, Bulgrin, Bergen, Bredenkamp and Brown; nays, none; motion carried.

Committee reports were given.

Cynthia D. Heine, York County Clerk submitted her October fee report in the amount of \$13,365.37. The report was reviewed and placed on file.

Dale Radcliff, County Sheriff submitted his August, 2009 fee report in the amount of \$4,586.78. The report was reviewed and placed on file.

Brenda Scavo submitted the October 31, 2009 Fund Balances as follows:

General	1,075,365.47
Road	813,891.70
Juvenile Diversion	6,080.26
Data Processing	5,762.38
Unemployment Security	8,762.61
Area on Aging	48,547.86
Relief & Medical	27,798.91
State Institutions	5,200.81
Veterans Aid	-0-
Busy Wheels	7,121.37
STOP	10,111.06
Drug Testing	5,174.98
Debt Service	193,853.04
Inheritance Tax	1,510,571.02
Emergency Mgmt	42,612.90
Law Enforcement Operations	19,681.77
Courthouse Bldg	1,116.83
Handicapp Access.	8,190.36
Noxious Weed	15,496.71
Ambulance	54,749.79
911 Emergency	49,892.70
CDBG	7.40
Visitors Impr Fund	153,659.10
Visitors Prom	41,000.23

The Chairman declared the meeting adjourned at 3:37 p.m. The next regular meeting will be December 1, 2009 at 8:30 a.m. with Elected Officials/Department Heads; 9:20 a.m. with the General Assistance Administrator and 9:35 a.m. in the County Commissioners Room, lower level of the Courthouse for the regularly scheduled meeting.

Augustus M. Brown, Jr., Chairman
York County Commissioners

Cynthia D. Heine, County Clerk
York, Nebraska